

Chapter 1: Introduction to Indiana Soil and Water Conservation Districts (SWCDs)

Sec. 1 Purpose of SWCDs

The purpose of a Soil and Water Conservation District, or SWCD (also referred to simply as a district), is to provide information about soil, water and related natural resource conservation; identify and prioritize local soil and water resource concerns; and connect land users to sources of educational, technical and financial assistance, to implement conservation practices and technologies.

Sec. 2 History of Indiana's SWCDs

Vanderburgh SWCD, the first Soil and Water Conservation District in Indiana was established in 1940 shortly after Indiana's first District Law (IC 13-3-1) was enacted. Indiana's District Law, which authorized the creation of soil and water conservation districts by a petition process, was developed from model legislation provided to all the states by President Franklin Roosevelt's administration in 1937. This model legislation was sent to the states because the federal government recognized the need for local leadership, trust and direct involvement in carrying out federal soil conservation/erosion control programs. The first version of the Indiana District Law included the establishment of the State Soil and Water Conservation Committee (in 1986 the name was changed to State Soil Conservation Board). In 1947 some funding was provided to Purdue University to hire a full time Executive Secretary to help the committee administer the rapidly growing number of petitions from landowners to establish soil and water conservation districts in their respective counties around the state. The majority of Indiana's 92 districts were established under the Indiana District Law in the 1945-1960 timeframe. In 1974 the last district (Tipton) was established, resulting in a district being in place in all 92 Indiana counties.

In the early years of the conservation district movement in Indiana (1945-1972 timeframe) the primary focus of districts was to get landowners to become district cooperators so that the Soil Conservation Service (SCS), now called Natural Resources Conservation Service (NRCS), could work with them to develop conservation plans for reducing erosion and improving their land's productive capacity. The typical conservation plans included decisions made by the respective landowner on crop rotations, structural erosion control practices, drainage improvements and liming. In the late 70's and 80's, the focus shifted more toward ways to reduce runoff, as well as the off-site impacts of sediment, attached nutrients and pesticides on water quality. In the late 80's to the present day, the federally funded Farm Bill conservation programs have been the driving force for conservation implementation by NRCS. During this time, districts have carried a larger load in conservation education and non-Farm Bill related conservation application simply because Farm Bill conservation programs implementation, while getting good conservation on the land, has consumed all the time and resources of NRCS. As we look to the future, both soil and water quality will remain key focus areas because of their impact on economic development, tied to improved

quality of life for local citizens. And districts that are functioning well will be viewed as the local hub that serves as a clearinghouse to connect land users to sources of educational, technical and financial assistance to assist in solving soil and water quality problems.

Sec. 3 SWCD Structure

Soil and Water Conservation Districts are sub-divisions of state government. There are 92 Soil and Water Conservation Districts in the state, with each district aligned with the county boundaries. The official governing body of a district consists of five supervisors. Three supervisors are elected (one each year for a three-year term) at an annual meeting of land occupiers held in January, February, or March. Two are appointed (also for staggered three-year terms) by the State Soil Conservation Board based upon recommendations of the current supervisors in the district. Thus, selection of all five supervisors is based on input from the local people they serve. As public officials, supervisors are required to subscribe to a standard public oath of office by which they commit to supporting the Constitution of the United States and the Constitution of the State of Indiana, and faithfully discharging the duties of the office of Supervisor. (The specific duties of supervisors are outlined in Chapter 2.)

Sec. 4 SWCD Powers and Authorities

As a governmental subdivision of the State of Indiana and a public body (corporate and politic), Soil and Water Conservation Districts exercise public powers. Following is a summary of key powers and authorities given to SWCDs and their supervisors as outlined in the Soil and Water Conservation District Act (Indiana Code 14-32):

1. To develop comprehensive plans for the proper management of soil and water resources within the district and to publish such plans, then bring them to the attention of land occupiers within the district.
2. To carry out soil erosion and water runoff preventive and control measures within the district (a) on land owned or controlled by the state, and (b) on any other land as requested by the occupier of that land or who have the necessary rights or interests in such lands.
3. To cooperate or enter into agreements with and furnish financial or other aid to any federal, state, or other agency or any occupier of lands within the district to carry on conservation operations, subject to such conditions as the supervisors deem necessary.
4. To obtain options upon and acquire by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any real or personal property or rights or interests in property; to maintain, administer, and improve the properties acquired; to receive income from the properties and expend such income in carrying out the District Act; and to sell, lease or otherwise dispose of property or interests in property in furtherance of the District Act.
5. To make available to land occupiers within the district (on such terms that the district prescribes) agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, other material or equipment, and services from the

district that will assist such land occupiers to conserve the soil and water resources.

6. To accept donations, gifts, and contributions in money, services, materials or otherwise from the United States; and to use or expend such contributions in carrying on district operations.

7. To require an occupier of lands not owned or controlled by the state (as a condition to extending benefits under the District Act) to (a) make contributions of money, services, materials, or otherwise to any operations conferring such benefits, and/or (b) enter into agreements or covenants regarding the use and treatment of the lands that will prevent or control soil erosion, achieve water conservation and water quality protection, and reduce flooding.

8. To cooperate with state government in conducting surveys, investigations, and research within the district relating to soil and water conservation, erosion control, water quality protection, and flood prevention. Conduct demonstration projects on (a) land owned or controlled by the state, with the consent and cooperation of the agency administering and having jurisdiction; and (b) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the lands.

9. To serve as management agency for the erosion and sediment portion of Public Law 92-500, Section 208, on nonpoint source pollution and for other erosion and sediment reduction programs that affect water quality in each county.

10. To inspect every landfill located within the district at least two times a year with regard to sediment control and erosion; and to prepare a written report on the results of each inspection for the executive of the county, the commissioner of the Indiana Department of Environmental Management, and the director of the ISDA, Division of Soil Conservation.

A complete list of District powers is included in Chapter 5, section 1 of the District Law (IC 14-32-5-1).

The District Act also spells out the powers and authorities that supervisors do **not** have. Specifically, supervisors may not:

- a) Exercise the right of eminent domain.
- b) Incur indebtedness beyond available funds.
- c) Issue bonds.
- d) Levy taxes.
- e) Make or levy benefit assessments.
- f) Take contributions by exactions or persuasions. (*However, voluntary contributions may be accepted if offered for the sole purpose of promoting soil and water conservation with the district and if their use for that purpose is guaranteed.*)
- g) Engage in the marketing of farm products or the buying and selling of farm supplies other than those used or needed in soil and water conservation work.
- h) Engage in agricultural research or Extension teaching except in cooperation with Purdue University.

Sec. 5 Funding for SWCDs

SWCD programs are funded primarily through county and state appropriations. However they also pursue public and private grants and enter into reimbursable agreements for services with various entities. They also generate some revenue through district projects/programs such as tree sales and/or conservation equipment rental and contribution agreements. Some districts also receive donations and sponsorships to support various programs throughout the year. (A more detailed discussion of SWCD funding is included in Chapter 5.)

Sec. 6 SWCDs Relationship with State Soil Conservation Board (SSCB)

The State Soil Conservation Board (SSCB) as outlined in the Indiana District Law IC 14-32-2 is the state's policy making body that both directs and supports many activities of local districts. The SSCB consists of the following seven (7) members: Four (4) members who must be land occupiers with farming interests, appointed by the governor. Three (3) members who must be land occupiers with nonfarming interests, appointed by the governor.

Qualifications of members of the SSCB (IC 14-32-2-3)

- (a) A majority of the seven (7) appointed members of the board must have experience as district supervisors.
- (b) In making appointments to the board, the governor may invite and consider the recommendations of the following:
 - 1) The Purdue University Cooperative Extension Service.
 - 2) The Indiana State Department of Agriculture.
 - 3) The Indiana Association of Soil and Water Conservation Districts.
- (c) All appointments to the board shall be made without regard to political affiliation.
- (d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

Appointment of advisory members (IC 14-32-2-7)

- (a) The governor may appoint advisory members from other organizations that promote conservation, including local, state, and federal agencies upon the recommendation of the board.
- (b) The governor shall appoint members to the advisory board that represent the following:
 - 1) The Indiana State Department of Agriculture.
 - 2) The Department of Natural Resources.
 - 3) The Department of Environmental Management.
 - 4) The Purdue University Cooperative Extension Service.
 - 5) The Indiana Association of Soil and Water Conservation Districts.
 - 6) The Farm Service Agency of the United States Department of Agriculture.
 - 7) The Natural Resources Conservation Service of the United States Department of Agriculture.

Duties of Board, IC 14-32-2-12

Sec. 12. The board shall do the following:

- 1) Provide for the execution of surety bonds for all board employees and officers who are entrusted with money or property.
- 2) Provide for the keeping of a full and accurate record of all board proceedings and of all resolutions and rules the board issues or adopts. The accounts of receipts and disbursements are subject to examination by the state board of accounts.
- 3) Offer appropriate assistance to the supervisors of soil and water conservation districts to carry out district powers and programs.
- 4) Keep the supervisors of districts informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among districts.
- 5) Coordinate the programs of the districts as far as this may be done by advice and consultation.
- 6) Secure the cooperation and assistance of the United States and state agencies in the work of the districts. However, this subdivision does not authorize either of the following:
 - A) The transfer or control of authority over districts to a federal agency.
 - B) The transfer of title of land or control to the United States.
- 7) Disseminate information throughout Indiana concerning the activities and programs of the districts and encourage the formation of districts in areas where organization is desirable.
- 8) Coordinate the erosion and sediment part of 33 U.S.C. 1288 (Public Law 92-500, Section 208) and other erosion and sediment reduction programs that affect water quality, in cooperation with state and federal agencies and through districts as provided under IC 14-32-5-1.
- 9) Develop a statewide regulatory program to be initiated after all reasonable voluntary approaches to erosion and sediment reduction have been exhausted.
- 10) Conduct an inventory of conservation needs for planning purposes and to inform the general assembly.
- 11) Hold meetings in locations throughout Indiana.
- 12) Adopt rules under IC 4-22-2 to implement this article.

Sec. 7 SWCDs Relationship with the Division of Soil Conservation (DSC)-Indiana State Department of Agriculture (ISDA)

As directed by the Indiana District Law, the Division of Soil Conservation directly assists districts under the direction of the State Soil Conservation Board. It provides field staff that assist with direct technical assistance to help land users apply conservation practices and technologies. It also provides district program support staff to help districts in program planning and development. It does so, in part, by helping districts:

- 1) Develop Business Plans (Long-Range Plans) and Annual Action Plans (Annual Plan of Work)
- 2) help seek ways to secure the administrative, managerial, educational, and technical resources needed to carry out those plans

- 3) conduct district programs in accordance with state law. The division's district support staff also conduct training at regional sites around the state as well as on-site with individual districts to help support these program functions.

The Division assists districts with conducting their annual meetings, supervisor elections and appointments, and annual financial reports. It also helps plan and conduct trainings, such as new supervisor and staff training, and the Annual Conference of SWCDs where supervisors, employees, and cooperating agency personnel can learn about new programs, share ideas, and plan strategies for future program success.

Some of the other duties of the Division, as outlined in the Indiana Soil and Water Conservation District Act include:

- 1) Perform all administrative duties required by the rules of the State Soil Conservation Board.
- 2) Provide adult soil and water conservation education.
- 3) Provide nonagricultural soils interpretive and erosion control expertise on a regional basis.
- 4) Administer the Clean Water Indiana Program in cooperation with conservation districts.
- 5) Assist other federal, state, and local entities in encouraging and monitoring compliance with those aspects of their programs that are related to erosion/sediment reduction.
- 6) Provide professional assistance to districts in conservation needs assessments, program development and evaluation.

(More information on the State Soil Conservation Board and the ISDA-Division of Soil Conservation can be found in Chapter 14 entitled "Key Partners to Accomplish Your Program".)